

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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KENNETH E. KING,

Petitioner,

v.

Case No. 05-C-0928

GREG GRAMS, Warden,  
Columbia Correctional Institution,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION TO COMPEL AN ANSWER WITH  
MATERIALITY AND SPECIFICITY**

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On August 30, 2005, the petitioner, Kenneth E. King ("King"), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. According to King's petition and the documents filed therewith, on September 9, 2003, a jury found King guilty of armed robbery while threatening the use of a dangerous weapon, contrary to Wis. Stat. § 943.32(1)(b). The court imposed a sentence of twenty-five years, comprised of fifteen years of initial confinement and ten years of extended supervision.

King's appellate counsel thereafter filed a no-merit report with the Wisconsin Court of Appeals. King also filed with the court of appeals a response to his counsel's no-merit report. The court of appeals affirmed King's conviction on March 11, 2005. On July 28, 2005, the Wisconsin Supreme Court denied King's petition for review.

Upon reviewing King's petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, this court ordered the respondent to file an answer to the

petition. That answer was filed on October 28, 2005. Thereafter, petitioner King filed a “Motion to Compel an Answer with Materiality and Specificity.” Kings’s motion will be denied. Simply stated, the respondent’s answer complies with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts.

**NOW THEREFORE IT IS ORDERED** that the petitioner’s “Motion to Compel an Answer with Materiality and Specificity” be and hereby is **DENIED**.

**SO ORDERED** this 12th day of December 2005, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge